

REFERENCE TITLE: pharmacies; controlled substances; computerized system

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1383**

Introduced by  
Senators Cannell, Aguirre, Arzberger, Hale, Mitchell: Aboud, Hellon,  
Miranda, Rios

### AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1974; RELATING TO THE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,  
3 is amended by adding section 32-1974, to read:

4       32-1974. Tracking prescriptions for controlled substances and  
5       pseudoephedrine: reporting illegal activity:  
6       confidentiality: fee

7       A. THE BOARD SHALL DEVELOP A COMPUTERIZED SYSTEM TO TRACK EACH  
8 PRESCRIPTION FOR A CONTROLLED SUBSTANCE THAT IS LISTED IN SCHEDULE II, III OR  
9 IV AND ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE  
10 QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS  
11 OPTICAL ISOMERS AND THAT IS FILLED BY A PHARMACY OR PHARMACIST. THE SYSTEM:

12       1. SHALL BE DESIGNED TO PROVIDE INFORMATION:

13           (a) TO PHARMACIES, PHARMACISTS AND STATE AGENCIES REGARDING THE  
14 INAPPROPRIATE USE BY A PATIENT OF CONTROLLED SUBSTANCES LISTED IN SCHEDULES  
15 II, III AND IV OR ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY  
16 DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS  
17 OF ITS OPTICAL ISOMERS TO PREVENT THE IMPROPER OR ILLEGAL USE OF THOSE  
18 CONTROLLED SUBSTANCES.

19           (b) REGARDING STATISTICAL DATA THAT RELATES TO THE USE OF CONTROLLED  
20 SUBSTANCES LISTED IN SCHEDULES II, III AND IV AND ANY COMPOUND, MIXTURE OR  
21 PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS  
22 SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS AND THAT IS NOT  
23 SPECIFIC TO A PARTICULAR PATIENT.

24       2. SHALL BE ADMINISTERED BY THE BOARD, THE DEPARTMENT OF HEALTH  
25 SERVICES AND PHARMACISTS, REPRESENTATIVES OF PROFESSIONAL ASSOCIATIONS FOR  
26 PHARMACISTS, REPRESENTATIVES OF OCCUPATIONAL LICENSING BOARDS AND PROSECUTING  
27 ATTORNEYS WHO ARE SELECTED BY THE BOARD.

28       3. SHALL NOT INFRINGE ON THE LEGAL USE OF A CONTROLLED SUBSTANCE OR  
29 ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS ANY DETECTABLE QUANTITY OF  
30 PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR SALTS OF ITS OPTICAL ISOMERS  
31 FOR THE MANAGEMENT OF SEVERE OR INTRACTABLE PAIN.

32       4. SHALL USE THE AUGUST 31, 2005, VERSION 003, RELEASE 000 STANDARD  
33 IMPLEMENTATION GUIDE FOR PRESCRIPTION MONITORING PROGRAMS THAT IS PUBLISHED  
34 BY THE AMERICAN SOCIETY FOR AUTOMATION IN PHARMACY OR ANY SUBSEQUENT VERSION  
35 OR RELEASE.

36       B. THE BOARD SHALL HAVE ACCESS TO THE SYSTEM TO IDENTIFY ANY SUSPECTED  
37 FRAUDULENT OR ILLEGAL ACTIVITY THAT IS RELATED TO THE DISPENSING OF  
38 CONTROLLED SUBSTANCES OR ANY COMPOUND, MIXTURE OR PREPARATION THAT CONTAINS  
39 ANY DETECTABLE QUANTITY OF PSEUDOEPHEDRINE, ITS SALTS OR OPTICAL ISOMERS OR  
40 SALTS OF ITS OPTICAL ISOMERS.

41       C. THE BOARD SHALL REPORT ANY ACTIVITY THAT IT REASONABLY SUSPECTS MAY  
42 BE FRAUDULENT OR ILLEGAL TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR  
43 OCCUPATIONAL LICENSING BOARD AND SHALL PROVIDE THE LAW ENFORCEMENT AGENCY OR  
44 OCCUPATIONAL LICENSING BOARD WITH THE RELEVANT INFORMATION THAT IS OBTAINED  
45 FROM THE SYSTEM FOR FURTHER INVESTIGATION.

1           D. ANY INFORMATION THAT IS OBTAINED FROM THE SYSTEM AND THAT RELATES  
2 TO A PHARMACIST OR A PATIENT IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED TO  
3 ANY PERSON, EXCEPT THAT INFORMATION SHALL BE DISCLOSED ON EITHER:

4           1. THE REQUEST OF A PERSON ABOUT WHOM THE REQUESTED INFORMATION  
5 CONCERN OR THE PERSON'S ATTORNEY.

6           2. THE LAWFUL ORDER OF A COURT OF COMPETENT JURISDICTION.

7           E. THE BOARD MAY APPLY FOR GRANTS AND ACCEPT GIFTS, GRANTS OR  
8 DONATIONS TO ASSIST IN DEVELOPING AND MAINTAINING THE COMPUTERIZED SYSTEM.

9           F. THE BOARD BY RULE MAY ESTABLISH A FEE THAT PHARMACIES SHALL PAY FOR  
10 DISPENSING CONTROLLED SUBSTANCES INCLUDED IN SCHEDULES I THROUGH V.